

REMARKS

In reply to the Office Action dated August 27, 2003, Applicants have added new claims 213-222 to protect additional aspects of the elected invention. As a result of this Amendment, claims 99-114 and 166-222 are currently pending.

The Examiner rejected claims 99-102 and 198-199 under 35 U.S.C. § 103(a) as being unpatentable over Kelly et al. (U.S. Patent No. 4,449,186) in view of Dettelbach et al. (U.S. Patent No. 5,253,166). The Examiner also rejected claims 103-112 and 166-212 under 35 U.S.C. § 103(a) as being unpatentable over Kelly et al. and Dettelbach et al., and further in view of Shoolery et al. (U.S. Patent No. 5,570,283). In addition, the Examiner rejected claims 113-114 under 35 U.S.C. § 103(a) as being unpatentable over Kelly et al. and Dettelbach et al., and further in view of Kahl et al. (U.S. Patent No. 5,936,625).

Kelly et al., Dettelbach et al., and Kahl et al., however, fail to render the claimed invention unpatentable. For example, independent claim 99 recites a method for creating a new travel reservation that includes, among other things,

storing in a database a set of frequent trip records, each frequent trip record associated with a traveler and reflecting a travel itinerary;
receiving selection information reflecting a selected one of the frequent trip records to form a trip request; [and]
prompting a user to indicate at least one new travel date associated with the trip request regardless of whether the selected frequent trip record has any associated travel dates,

(claim 99, ll. 3-9). Moreover, independent claim 198 recites another combination of features that includes:

storing in a database a set of frequent trip records, each frequent trip record including a travel itinerary associated with a traveler;
displaying a menu selected from the stored set of frequent trip records;

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prompting a user to select one of the frequent trip records from the displayed menu to form a new travel reservation;

prompting the user to indicate a new trip travel date for the new travel reservation regardless of whether the selected frequent trip record includes a travel date,

(claim 198, ll. 3-10). Finally, independent claim 213 recites another combination that includes, *inter alia*,

prompting the user to create a new travel itinerary based on the displayed past travel itinerary by identifying a new travel start date different from the travel start date associated with the displayed past travel itinerary; and

transmitting the new travel itinerary through the interactive reservation system to book a new travel reservation based on the identified new travel start date,

(claim 213, ll. 10-15). At the very least, each of the applied references fails to disclose or suggest any of these exemplary features recited in the independent claims.

To make out a *prima facie* case of obviousness, the Examiner must demonstrate (1) that Kelly et al., as proposed to be repeatedly modified by the teachings of Dettelbach et al. and Kahl et al., discloses or suggests each and every feature recited in the claims, (2) that there is a reasonable probability of success in making the Examiner's proposed modifications, and (3) the existence of some suggestion or motivation, either in the teachings of the Kelly et al., Dettelbach et al., and Kahl et al. patents themselves or in the knowledge generally available to one of ordinary skill in the art, to make the proposed change, and, thereby, result in the claimed invention. See M.P.E.P. § 2143 (7th ed. 1998). It bears emphasizing that each of these requirements must be found in the prior art — not based on Applicants' own disclosure. See *id.*

Viewed against this backdrop, each of the Examiner's factual conclusions must be supported by "substantial evidence" in the documentary record. See *In re Lee*, 61 U.S.P.Q.2d 1430, 1432 (Fed. Cir 2002). The Examiner has the burden of documenting

all findings of fact necessary to support a conclusion of anticipation or obviousness “less the ‘haze of so-called expertise’ acquire insulation from accountability.” *Id.* To satisfy this burden, the Examiner must specifically identify where support is found within the prior art to meet the requirements of 35 U.S.C. § 103. In this case, however, the Examiner has failed to satisfy his burden of demonstrating how Kelly et al., taken alone or in combination with Dettelbach et al. and Kahl et al., can render obvious each and every one of the limitations present in independent claims 99, 198, and 213, as required by the Manual of Patent Examining Procedure (“MPEP”) and Federal Circuit jurisprudence.

The Kelly et al. patent, entitled “Touch Panel Passenger Self-Ticketing System,” discloses an “automated system for **vending** airline tickets to credit card purchasers based on reservation data **stored** in a central host computer.” Abstract (emphasis added). As admitted by the Examiner, the Kelly et al. patent fails to disclose a system that **creates** or **forms a new** travel reservation based on frequent trip records, as recited in independent claims 99 and 198. Nor does the Kelly et al. patent disclose or suggest the **creation** of a **new** travel itinerary based on a **past** travel itinerary, as recited in independent claim 213. Instead, Kelly et al. teaches away from the claimed invention by disclosing a system that involves “a sequence of inquiries and visual response targets regarding any reservation data of the passenger, which may have **already been stored** in the host computer” Col. 106, ll. 21-23 (emphasis added). Consequently, Kelly et al. not only fails to disclose or suggest each and every feature recited in independent claims 99, 198, and 213, but also teaches away from the claimed invention.

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Moreover, Dettelbach et al. fails to remedy the deficiencies of Kelly et al. For example, the Examiner relies upon the Dettelbach et al. patent solely to allegedly disclose the existence of “a travel reservation system having means for storing customer travel data and past trip data **for future usage.**” (Office Action at 2. (emphasis added)). The Dettelbach et al. patent teaches away from the claimed invention by expressly disclosing that this so-called “future usage” covers “**retrieving** and **organizing** pre-travel data for comparison use by corporate clients . . . between reservation initiation, through ticketing, and up to the actual departure time of the traveler.” Col. 1, ll. 10-28. Modifying the Kelly et al. system with the teachings of Dettelbach et al. would thus fail to result in the claimed invention because the Dettelbach et al. patent only relates to the use of travel reservation data **after** the travel reservation has been created. Much like the Kelly et al. system, the Dettelbach et al. system fails to disclose a system that **creates** or **forms a new** travel reservation based on frequent trip records, as recited in independent claims 99 and 198. Similarly, the Dettelbach et al. system does not disclose or suggest the **creation** of a **new** travel itinerary based on a **past** travel itinerary, as called for by independent claim 213. Accordingly, the Dettelbach et al. patent, in combination with the teachings of Kelly et al., cannot render obvious independent claims 99, 198, and 213.

Turning to dependent claims 102-114, 166-212, and 214-222, Shoolery et al. and Kahl et al. undeniably fail to overcome the shortcomings of Kelly et al. For example, the Examiner relies upon Shoolery et al. solely to allegedly teach the use of expense reports and the use of corporate travel restrictions. (Office Action at 3-4.) Similarly, the Examiner relies upon Kahl et al. solely to allegedly teach the use of a calendar having

icons. (Office Action at 5.). As such, one having ordinary skill in the art would readily recognize that each of these references do not provide any suggestion or motivation for the Examiner's proposed modification of the Kelly et al. and Dettelbach et al. patents.

For at least these reasons, Kelly et al. and Dettelbach et al. fail to disclose or render obvious each and every element recited in independent claim 99, 198, and 213. In addition, each of these dependent claims recites additional features that are neither disclosed nor suggested by each of the applied references, taken either alone or in combination. One having ordinary skill in the art would thus readily recognize that each of these references do not provide any suggestion or motivation for the Examiner's proposed modification of the Kelly et al. and Dettelbach et al. patents. As such, each of the dependent claims are allowable for at least the same reasons discussed above with respect to independent claims 99, 198, and 213.

In fact, the outstanding Office Action does not even address all of the features recited in many of the dependent claims. By way of example, dependent claims 168 and 170 call for, among other things "providing the particular traveler with an opportunity to cancel the new travel reservation within a predetermined period of time." Dependent claim 180 calls for "automatically forwarding the new travel reservation to a travel agency for post reservation processing." Dependent claim 186 states that "wherein the at least one new travel date comprises a beginning travel date on which travel for the new travel reservation will begin." Claim 187 further calls for "automatically identifying an ending date on which travel for the new travel reservation will end." In addition, dependent claim 188 provides that "wherein the step of automatically identifying the ending date is based solely on the travel itinerary associated with the selected one of

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the frequent trip records and the beginning travel date indicated by the user.” Similarly, dependent claim 189 calls for “automatically identifying a travel duration for the new travel reservation” and dependent claim 194 states that “wherein the transmitted aspects of the trip request comprise a travel duration for the new travel reservation.” Finally, dependent claim 195 states that “wherein the travel duration for the new travel reservation is automatically identified based solely on the travel itinerary associated with the selected one of the frequent trip records.” There is neither any suggestion within the prior art, nor any discussion in the outstanding Office Action of these dependent claim features. Accordingly, Applicants respectfully request that the Examiner reevaluate each of the dependent claims, and withdraw the outstanding grounds for rejection for those features recited in the dependent claims that cannot be adequately identified in the prior art to justify the outstanding prior art grounds for rejection.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of all the pending claims 99-114 and 166-222.

Should it be necessary to resolve any additional concerns and expedite the issuance of a Notice of Allowance, the Examiner is invited to contact Applicant’s representative at (202) 408-6052.

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Please grant any extension of time to the extent required to enter this response and charge any fees required to our Deposit Account No. 06-0916.

Respectfully submitted,

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